UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Ruben LOPEZ-Sanchez** Defendant.	)	Magistrate Case No.: '07 MJ 2414
	)	COMPLAINT FOR VIOLATION OF
	)	Title 8, U.S.C., Section 1326 Attempted Entry After Deportation (Felony)

The undersigned complainant being duly sworn states:

On or about **October 8, 2007**, within the Southern District of California, defendant **Ruben LOPEZ-Sanchez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **OCTOBER 2007**.

UNITED STATES MAGISTRATE JUDGE

JPME

PROBABLE CAUSE STATEMENT

On October 8, 2007 at approximately 2205 hours **Ruben LOPEZ-Sanchez (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a 1986 Chevrolet Celebrity sedan. A Customs and Border Protection (CBP) Officer received a negative declaration from the Defendant. Defendant presented a Resident Alien card bearing the name Saldivar Rufino for himself and stated to the CBP Officer that his destination in the United States was that of San Diego, California. A cursory inspection of the vehicle conducted by a CBP Officer revealed four persons concealed in the trunk of the vehicle.

During secondary inspection it was determined that the Defendant was an imposter on the Resident Alien card he provided. The four persons concealed in the trunk of the vehicle were also identified as citizens of Mexico with no entitlements to enter the United States. Defendant was taken into custody for further processing.

Defendant was queried by fingerprint and photograph submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query confirming Defendant's identity and linking him to FBI and Immigration Service records.

Immigration Service records checks, including Deportable Alien Control System (DACS) and Central Index System (CIS) identify Defendant as a citizen of Mexico and previously deported alien. DACS information indicates that on or about December 16, 2004 an Immigration Judge ordered Defendant removed from the United States and Defendant was summarily removed to Mexico through Paseo Del Norte, Texas. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. During a subsequent interview Defendant admitted to being a citizen of Mexico born in Sinaloa, Mexico. Defendant admitted he possesses no document or other benefit that would permit his legal entry into the United States. Defendant admitted to presenting a Resident Alien card not legally issued to him as a means to illegally enter the United States. Defendant admitted he was en route to San Diego, California to seek employment. Defendant admitted to having been apprehended on several occasions attempting to smuggle undocumented aliens into the United States. Defendant admitted to having been previously removed from the United States on two prior occasions and returned to Mexico. Defendant admitted he has not applied for or received permission from the United States government to legally enter the United States.